

ORDINANCE NO. 3828

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING ECDC 18.45.070 AND ECDC 23.40.240(E) TO INCREASE THE PENALTY FOR UNAUTHORIZED CLEARING, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

WHEREAS, the City has recently experienced a number of unauthorized clearing of trees, including those on critical areas and public property; and

WHEREAS, unauthorized clearing of trees negatively impacts the environment, as well as the well being of the community; and

WHEREAS, the current penalties for unauthorized clearing of trees do not appear to be a sufficient deterrent to certain people; and

WHEREAS, at present, the increase in value of real estate can outweigh the risks of unauthorized clearing of trees; and

WHEREAS, although, for the long term, the City needs to study a more comprehensive manner of regulating and penalizing unauthorized clearing, the City Council finds that immediate action must be taken to curtail unauthorized clearing by increasing the minimum per tree civil penalty for said violation; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, DO
ORDAIN AS FOLLOWS:

Section 1. Amended. Section 18.45.070 of the Edmonds Community

Development Code ("ECDC") is hereby amended to read as follows:

18.45.070 Violations and penalties.

A. A violation of any of the provisions of this chapter shall constitute a misdemeanor and shall be punishable as provided in Chapter 5.50 ECC. Each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed or permitted to continue shall constitute a separate offense.

B. Any person found to be in violation of the provisions of this chapter shall be subject to a civil penalty in an amount not to exceed \$1,000 penalty for a tree of up to three inches and \$3,000 for a tree 3 inches or more. This civil penalty may be in addition to any criminal, civil, or injunctive remedy available to the city. The planning division manager shall utilize the procedures outlined in Chapter 20.110 ECDC in order to notify an individual of violation; provided, however, that the same shall commence with a notice of civil violation as provided in ECDC 20.110.040(B) and be subject to an appeal as provided in ECDC 20.110.040(C).

C. The fines established in subsection (B) of this section shall be tripled for clearing which occurs within any critical area or critical area buffer, in any earth subsidence or landslide hazard area, any native growth protection easement, in any area which is designated for transfer or dedication to public use upon final approval of a subdivision, planned residential development or other development permit or for clearing which occurs on any portion of public property or within any portion of the public right-of-way.

Section 2. Amended. Subsection (E) of ECDC 18.45.070 is hereby amended to

read as follows:

23.40.240 Unauthorized critical area alterations and enforcement.

E. Penalties. Any person, party, firm, corporation, or other legal entity convicted of violating any of the provisions of this title shall be guilty of a misdemeanor and subject to penalties set forth in ECDC 18.45.070 and .075. Each day or portion of a day during which a violation of this title is committed or continued shall constitute a separate offense. Any development carried out contrary to the provisions of this title shall constitute a public nuisance and may be enjoined as provided by the statutes of the state of Washington. The city of Edmonds may levy civil penalties

against any person, party, firm, corporation, or other legal entity for violation of any of the provisions of this title. The civil penalty shall be assessed as proscribed for in ECDC 18.45.070 and .075.

Section 3. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 4. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

APPROVED:


MAYOR MIKE COOPER

ATTEST/AUTHENTICATED:


CITY CLERK, SANDRA S. CHASE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY 
W. SCOTT SNYDER

FILED WITH THE CITY CLERK:	12-03-2010
PASSED BY THE CITY COUNCIL:	12-07-2010
PUBLISHED:	12-14-2010
EFFECTIVE DATE:	12-19-2010
ORDINANCE NO. <u>3828</u>	

SUMMARY OF ORDINANCE NO. 3828

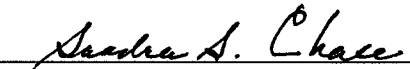
of the City of Edmonds, Washington

On the 7th day of December, 2010, the City Council of the City of Edmonds, passed Ordinance No. 3828. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING ECDC 18.45.070 AND ECDC 23.40.240(E) TO INCREASE THE PENALTY FOR UNAUTHORIZED CLEARING, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

The full text of this Ordinance will be mailed upon request.

DATED this 8th day of December, 2010.

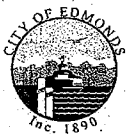


CITY CLERK, SANDRA S. CHASE

Affidavit of Publication

STATE OF WASHINGTON,
COUNTY OF SNOHOMISH

} S.S.



SUMMARY OF ORDINANCE NO. 3828

of the City of Edmonds, Washington
On the 7th day of December, 2010, the City Council of the City of Edmonds passed Ordinance No. 3824. A summary of the content of said ordinance, consisting of the title, provides as follows:
AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING ECDC 18.45.070 AND ECDC 23.40.240(E) TO INCREASE THE PENALTY FOR UNAUTHORIZED CLEARING, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

The full text of this Ordinance will be mailed upon request.
DATED this 8th day of December, 2010.

CITY CLERK, SANDRA S. CHASE

Published: December 14, 2010.

The undersigned, being first duly sworn on oath deposes and says that she is Principal Clerk of THE HERALD, a daily newspaper printed and published in the City of Everett, County of Snohomish, and State of Washington; that said newspaper is a newspaper of general circulation in said County and State; that said newspaper has been approved as a legal newspaper by order of the Superior Court of Snohomish County and that the notice

Summary of Ordinance NO. 3828

re: Increased Penalty for Unauthorized Clearing

a printed copy of which is hereunto attached, was published in said newspaper proper and not in supplement form, in the regular and entire edition of said paper on the following days and times, namely:

December 14, 2010

and that said newspaper was regularly distributed to its subscribers during all of said period.

Jody Grohl

Principal Clerk

Subscribed and sworn to before me this

14th

day of December, 2010

Sandra S. Chase

Notary Public in and for the State of Washington, residing at Everett, Snohomish County.

RECEIVED

DEC 21 2010

CITY CLERK